

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Improving Spectrum Efficiency Through)	WT Docket No. 12-64
Flexible Channel Spacing and Bandwidth)	
Utilization for Economic Area-based 800 MHz)	
Specialized Mobile Radio Licensees)	
)	
Request for Declaratory Ruling that the)	WT Docket No. 11-110
Commission Rules Authorize Greater than 25)	
kHz Bandwidth Operations in the 817-824/862-)	
869 MHz Band)	

**COMMENTS OF THE SAN DIEGO COUNTY SHERIFF'S DEPARTMENT
IN RESPONSE TO PETITION FOR RECONSIDERATION**

I. Introduction and Summary

The San Diego County (California) Sheriff's Department ("Sheriff") hereby submits these comments in support of the Orange County Sheriff's Department's ("OCSD") petition¹ to the Commission for reconsideration of its determination authorizing Economic Area ("EA")-based 800 MHz Specialized Mobile Radio ("SMR") licensees in the 858.5-869 MHz portion of the 800 MHz band to conduct early testing and deployment of wideband CDMA in the non-reconfigured portion of the band along the U.S.- Mexico border prior to the completion of 800 MHz reconfiguration.²

¹ Petition For Reconsideration And Informal Interference Complaint Regarding AT&T Mobility And Sprint Nextel filed by Ryan M. F. Baron on behalf of the Orange County Sheriff's Department on July 9, 2012 (*Petition*).

² Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-based 800 MHz Specialized Mobile Radio Licensees; Request for Declaratory Ruling that the Commission's Rules Authorize Greater than 25 kHz Bandwidth Operations in the 817-824/862-869 MHz Band, WT Docket No. 12-64, WT Docket No. 11-110, *Report & Order*, 2012 WL 1898737, (2012) (*Report & Order*).

San Diego County, along with other licensees in the Southern California region within the U.S.-Mexico border sharing zone, continues to suffer harmful interference from Nextel iDEN operations and from the out-of-band-emissions (OOBE) of other carriers operating in the 869-894 MHz band. As noted by OCSD, the Commission's *800 MHz Reconfiguration Report & Order* never contemplated early deployment of wideband technologies by ESMR carriers like Sprint Nextel prior to band reconfiguration.³ The Sheriff believes that it will receive additional harmful interference from early testing and deployment of wideband CDMA by Sprint Nextel, that the safeguards outlined by the Commission are not sufficient to prevent this interference, and that the Commission should not approve early deployment until reconfiguration is completed in the U.S.-Mexico border region.

How the Commission resolves these issues will determine the success or failure of the Commission's intent of providing public safety agencies with improved communications and advanced communications services.

II. BACKGROUND

The County of San Diego, through the Sheriff and by way of a joint agreement, operates the San Diego County – Imperial County Regional Communications System

³ Improving Public Safety Communications in the 800 MHz Band; Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels; Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems; Petition for Rule Making of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communications Service; Petition for Rule Making of UT Starcom, Inc., Concerning the Unlicensed Personal Communications Service; Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for use by the Mobile Satellite Service; WT Docket No. 02-55, ET Docket No. 00-258, RM-9498, RM-1 0024, ET Docket No. 95-18, *Report and Order*, *Fifth Report and Order*, *Fourth Memorandum Opinion and Order*, and *Order*, 19 FCC Red 14969, ¶ 1 (2004) (*800 MHz Reconfiguration Report and Order*).

(RCS), an 800 MHz public safety communications system on behalf of the two counties, 24 cities and more than 225 member Public Safety and Public Service agencies within the 9,000 square miles of San Diego County and Imperial County, California. The member agencies, consisting of federal, state, local, tribal, special districts and critical infrastructure entities serve a combined population of 3.2 million residents and operate more than 21,000 subscriber units on the RCS' 800 MHz trunked radio system. To support this user base, the RCS operates from 48 radio sites in the two counties, covering approximately 97% of San Diego County and 90% of Imperial County in topologies ranging from 6,533' to -235' AMSL, and population densities ranging from thousands per square mile to open wilderness.⁴

The Sheriff also operates an existing 800 MHz mobile data system providing service across approximately 95% of San Diego County from 29 high level sites on eleven 25-kHz wide 800 MHz channels, along with site-specific low-level conventional voice operations.

San Diego County and Imperial County are located within 800 MHz Planning Region 5 and will soon start the 800 MHz reconfiguration process. As the geographic area covered is wholly within the 110 km U.S. – Mexico Sharing Zone, operations of the Sheriff in the 800 MHz band are currently subject to the conditions outlined in the *“Protocol Concerning The Use Of The 806-824/851-869 And 896-901/935-940 MHz Bands For Land Mobile Services Along The Common Border,”* effective June 2, 1995.⁵

⁴ The RCS 800 MHz radio system operates on frequencies licensed to the State of California, the County of Imperial, and the County of San Diego, California.

⁵ See http://www.fcc.gov/ib/sand/agree/files/mex-nb/806_896.pdf

III. DISCUSSION

OCSD's Petition⁶ highlights four positions as the basis for their reconsideration request: (1) The Commission has previously recognized that public safety radio systems have been experiencing harmful interference from Sprint Nextel's iDEN ESMR operations and that the *800 MHz Reconfiguration Report & Order* set forth broad protections for public safety; (2) there is strong potential for interference in non-reconfigured spectrum in the U.S.-Mexico Border Region that has not been considered by the Commission; (3) the public interest supports the Commission reconsidering its determination to allow early testing and deployment of CDMA by ESMR licensees; and (4) the Commission's requirements for notification to public safety licensees are inadequate and provide no meaningful information to allow public safety licensees to determine the source of interference to their operations.

The Sheriff concurs with and fully supports OCSD on these issues.

San Diego County radio systems operate on more than 180 radio channel pairs between 812-821/856-869 MHz, including 23 channel pairs between 817-821/862-866 MHz, the segment of the 800 MHz spectrum in which Sprint Nextel is proposing to commence wideband CDMA operations. Any wideband (1.25 MHz) CDMA carrier will be effectively co-channel to a number of San Diego County narrowband (25 kHz) voice or data channels in this band segment. CDMA carriers in the 862-866 MHz segment transmitting from sites in or within 70 miles of San Diego or Imperial counties present a real potential for causing harmful interference in excess of the current levels of interference from Nextel's existing 25 kHz iDEN operations in the 800 MHz band.

⁶ Petition at pages 7 - 17

Within the last 60 days the Sheriff has started to receive user reports of new areas where San Diego County radio systems are no longer providing coverage to users. The Sheriff is working within its limited resources to identify these locations and the reason for the loss of coverage. These reports, along with the experiences of OCSD as documented in their *Petition* and the as-yet fully identified and resolved interference that the City of Oakland, California, has been recently experiencing to their 800 MHz public safety radio system,⁷ bolster the Sheriff's concerns that the Commission has acted without a full consideration of the record. The Sheriff agrees with OCSD that the Commission should rescind approval of early deployment of wideband CDMA prior to the completion of 800 MHz band reconfiguration in Southern California.

IV. CONCLUSION

The San Diego County Sheriff's Department concurs with the position of the Orange County Sheriff's Department that there is a strong potential for harmful interference to existing public safety voice and data operations in the Southern California region from an early deployment of wideband CDMA operations by Sprint Nextel in the 817-821/862-866 MHz sub-band prior to the completion of the Commission-ordered 800 MHz reconfiguration process. The Sheriff also concurs that the Commission's notification requirements are inadequate and provide no meaningful information to allow public safety licensees to identify where wideband CDMA emissions will originate from, the frequencies involved, and the power levels to be used. This complicates the ability of public safety licenses to evaluate interference and take actions to mitigate the problem.

⁷ See "Oakland police radio culprit: cell towers", San Francisco Chronicle updated August 21, 2012 <http://www.sfgate.com/crime/article/Oakland-police-radio-culprit-cell-towers-3802585.php>

The Sheriff respectfully requests the Commission reconsider its order allowing early deployment of wideband CDMA services in non-reconfigured spectrum areas, and evaluate the issues raised by the Orange County Sheriff's Department.

Respectfully Submitted,

SAN DIEGO COUNTY SHERIFF'S
DEPARTMENT

A handwritten signature in black ink, reading "William D. Gore". The signature is fluid and cursive, with a long horizontal stroke at the end.

WILLIAM D. GORE, Sheriff

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September 18, 2012